

First Named Inventor: Rhonda S. Redman

Application No.: 09/519,889

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a zipper for closing the longitudinal opening to conform the sleeve to the forearm of the wearer, the closure being disposed to overlie a forward side of the forearm.

2. The protector of claim 1 and further including a protective flap that extends between edges of the opening protecting the wearer from being pinched by the zipper.

3. (Amended) The protector of claim 1 wherein the length of the sleeve is selected to extend to approximately 1 to 1½ inches from an elbow of the wearer.

6. The protector of claim 1 wherein the sleeve extends to a point adjacent a first knuckle of the fingers and thumb, leaving the knuckles exposed.

#### REMARKS

This Supplemental Amendment is responsive to a telephonic interview on November 8, 2001 and interview summary record received by applicant's attorney. In the telephonic interview, the Examiner and Applicant's attorney reviewed and discussed claims 1 and 5 of the reissue application. Based upon the telephonic interview, claim 1 has been amended and claim 5 has been canceled. The current application currently includes claims 1 (Thrice Amended), 2, 3 (Amended) and 6.

Claim 1 (Thrice Amended) has been amended to include a discrete thumb opening disposed at the other end of the sleeve wherein the sleeve extends to the joint of the thumb closest to the fingertips but leaving the joint exposed. Neither U.S. Patent No. 4,967,491 or U.S. Patent No. 2,904,792 disclose a sleeve extending up to the joint of the thumb closest to the fingertips, leaving the joint exposed. Therefore, claim 1 (Thrice Amended) is in allowable form. Reconsideration and allowance of claim 1 (Thrice Amended) is respectfully requested.

Claims 2, 3 (Amended) and 6 which depend from claim 1 (Thrice Amended) are also in allowable form because claim 1 (Thrice Amended) is in allowable form. Reconsideration and allowance of claims 2, 3 (Amended) and 6 are respectfully requested.

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The Examiner also requested a Supplement Oath be submitted with the claim amendments, however, MPEP Rule 1444, specifically the section entitled, Supplemental Reissue Oath/Declaration Under 37 C.F.R. 1.175(b)(1), does not require a supplemental declaration with each new amendment. Therefore, a supplemental declaration will not be submitted pursuant to Rule 1444 of the MPEP.

Similarly, a drawing transfer request is not required for this application to be allowed. Pursuant to Rule 37 C.F.R. 1.173 and MPEP 1413, a clean copy of each drawing sheet of the printed patent must be supplied by the applicant at the time of filing of the reissue application. Applicant has filed clean copies of each drawing sheet of the present printed patent, therefore Applicant has met the requirements of 37 C.F.R. 1.173 and MPEP 1413.

Applicant is unable to surrender the original patent to the Patent Office because the original patent is inaccessible. Pursuant to 37 C.F.R. 1.178 and MPEP 1416 Applicant is submitting a Statement stating that the original patent is inaccessible which is attached hereto as Exhibit A. This Statement meets the requirements of 37 C.F.R. 1.178 and MPEP 1416.

#### CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1(Thrice Amended), 2, 3(Amended) and 6 are respectfully requested.

The Commissioner is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982. A duplicate copy of this communication is enclosed

Respectfully submitted,  
KINNEY & LANGE, P.A.

Date: November 20, 2001

By

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**APPENDIX:  
MARKED UP VERSION OF SPECIFICATION AND CLAIM AMENDMENTS**

- 1.(Thrice Amended) A hand and forearm protector comprising:
- a sleeve for overlying a forearm and a proximal hand portion of a wearer;
  - a primary opening at one end of the sleeve;
  - a single discrete digit opening disposed at another end of the sleeve wherein all of the wearer's fingers extend therethrough, wherein the sleeve extends to a point adjacent a first set of knuckles of the wearer's fingers, leaving the knuckles exposed;
  - a discrete thumb opening disposed at another end of the sleeve wherein the sleeve extends to the joint of the thumb closest to the fingertip leaving the joint exposed;
  - a longitudinal opening along the sleeve extending adjacent from a point that overlies a juncture of the carpal bones and the radius and extending rearwardly towards the primary opening to proximately the end of the sleeve; and
  - a zipper for closing the longitudinal opening to conform the sleeve to the forearm of the wearer, the closure being disposed to overlie a forward side of the forearm.

[5. The protector of claim 1 wherein the sleeve extends to a first joint of the thumb, leaving the joint exposed.]